

## **DECLARATION FOR REISSUE PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and the only inventor of the subject matter which is claimed and for which a reissue patent is sought on the invention entitled:

### **SINGLE-USE NEEDLE-LESS HYPODERMIC JET INJECTION APPARATUS AND METHOD**

the specification of which is attached hereto and is being amended with the filing of a Preliminary Amendment filed concurrently herewith.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I believe original U.S. Patent No. 6,264,629 to be wholly or partially inoperative or invalid because it claims more or less than the patentee had the right to claim in the patent. At least one error being relied upon to support the reissue application is the failure to appreciate the full scope of the invention as to structures creating flowpaths within the needle-less injection device. Certain claims addressing these structures contain limitations which are not necessary to distinguish the prior art.

These statements of error are not intended to identify all such errors, but are intended to state at least one error being relied upon as the basis for reissue.

All errors being corrected in the present reissue application up to the time of filing this declaration arose without any deceptive intention

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the reissue application or any reissue patent issued thereon.

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**SEND CORRESPONDENCE TO:**

Kolisch Hartwell, P.C.  
200 Pacific Building  
520 S.W. Yamhill Street  
Portland, Oregon 97204

**DIRECT TELEPHONE CALLS TO**  
(name and telephone number)

Peter E. Heuser  
(503) 224-6655

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Full name of  
first inventor:

SERGIO LANDAU

INVENTOR'S SIGNATURE:

DATE:

JULY 18, 2003

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Residence:

49 South Peak, Laguna Nigel, California, 92677

Citizenship:

United States of America

Post Office Address:

49 South Peak, Laguna Nigel, California, 92677

**POWER OF ATTORNEY,  
STATEMENT UNDER 37 C.F.R. § 3.73(b), and  
ASSERTION OF RIGHT UNDER 37 C.F.R. § 3.71 AND MPEP § 106**

Applicant: Sergio Landau  
Serial No.: \_\_\_\_\_  
Filed: \_\_\_\_\_  
Title: SINGLE-USE NEEDLE-LESS HYPODERMIC JET INJECTION APPARATUS AND METHOD

Bioject Inc., an Oregon corporation, hereby appoints the practitioners at Kolisch Hartwell, P.C., USPTO Customer No. 23581, as its attorneys and agents to prosecute the above-identified patent application and to transact all business in the United States Patent and Trademark Office connected therewith. These practitioners currently include:

J. Pierre Kolisch, Reg. No. 15,802; John M. McCormack, Reg. No. 26,948; Peter E. Heuser, Reg. No. 27,902; David P. Cooper, Reg. No. 33,372; Pierre C. Van Rysselberghe, Reg. No. 33,557; Walter W. Karnstein, Reg. No. 35,565; Charles H. DeVoe, Reg. No. 37,305; David S. D'Ascenzo, Reg. No. 39,952; Owen W. DukeLow, Reg. No. 41,002; James R. Abney, Reg. No. 42,253; Mark D. Alleman, Reg. No. 42,257; M. Matthews Hall, Reg. No. 43,653; Christopher S. Tuttle, Reg. No. 41,357; B. Anna McCoy, Reg. No. 46,077; David E. Hall, Reg. No. 51,172; Ellen M. Gonzales, Reg. No. 44,128; Jason C. Creasman, Reg. No. 51,587; Edward B. Anderson, Reg. No. 30,154; John D. Russell, Reg. No. 47,048; Stanley M. Hollenberg, Reg. No. 47,658; Anton E. Skaugset, Reg. No. 38,617; and Daniel L. Murphy, Reg. No. 41,210.

Bioject Inc. states, under 37 C.F.R. § 3.73(b), that it is the assignee of the entire right, title, and interest in the above-identified patent application by virtue of an assignment from each of the inventor(s) named in the above-identified patent application. Copies of assignments or other documents in the chain of title are attached.

Bioject Inc. hereby asserts its right, under 37 C.F.R. § 3.71 and MPEP § 106, to conduct the prosecution of the above-identified patent application to the exclusion of the named inventor(s) and any previous assignee(s).

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DIRECT COMMUNICATIONS TO:

Peter E. Heuser  
Kolisch Hartwell, P.C.  
200 Pacific Building  
520 S.W. Yamhill Street  
Portland, Oregon 97204

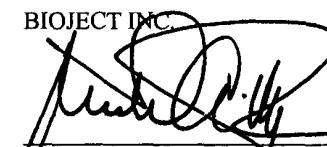
Telephone: (503) 224-6655  
Facsimile: (503) 295-6679  
E-Mail:heuser@khpatent.com

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The undersigned (whose title is supplied below) is authorized to act on behalf of the above-identified assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 7-21-03

BIOJECT INC.  
  
Mike Temple  
Executive Vice President and General Manager

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## ASSIGNMENT

WHEREAS, I, Sergio Landau of Laguna Nigel, California, a United States citizen, am the sole and exclusive owner of the following Letters Patent of the United States of America:

U.S. Patent No. 6,264,629, issued July 24, 2001 for SINGLE-USE NEEDLE-LESS HYPODERMIC JET INJECTION APPARATUS AND METHOD;

WHEREAS, Bioject Inc., an Oregon corporation, having its principal place of business in Portland, Oregon, is desirous of acquiring all right, title and interest in, to, and under the above Letters Patent, and the invention covered thereby;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, I, Sergio Landau, have sold, assigned, and transferred, and do hereby sell, assign, and transfer, to Bioject Inc., the full and exclusive right to the invention of the above Letters Patent, and the entire right, title, and interest in the Letters Patent, in the United States and its territorial possessions and in all foreign countries and in and to any and all divisions, continuations, reissues, substitutions, and extensions thereof, together with all claims for damages by reason of past infringements of the Letters Patent, with the right to sue for and collect the same for its own use and benefit, and for the use and benefit of its successors and assigns.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 18<sup>TH</sup> day of July, 2003.

Witness:

Signature:

Name:

Address:

City & State:

Sergio Landau

2408 NW Benson Court

Portland, OR 97229

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Witness:

Signature:

Name:

Address:

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Sergio Landau